

MEETING MINUTES

MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, July 8, 2015

- I. PLEDGE OF ALLEGIANCE** **Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE** **Commissioners**
Present: Chair Sudhir Mandal, Vice Chair Larry Ciardella,
Commissioners Gurdev Sandhu, Rajeev Madnawat, Ray
Maglalang, Zeya Mohsin

Absent: Demetress Morris, Hon Lien

Staff: Bill Ekern, Gary Baum, Adam Petersen, Cindy Hom
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission and there were no speakers.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** called for approval of the June 24, 2015 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes.

Motion/Second: Commissioner Mohsin/Commissioner Sandhu

AYES: 6
NOES: 0
ABSTAIN: 0
- V. ANNOUNCEMENTS** Interim Planning Director Bill Ekern introduced Interim City Attorney Gary Baum and Senior Planner Sarah Fleming. He also announced that the July 22, 2015 Planning Commission meeting is canceled.

Vice Chair Ciardella announced he needed to leave the meeting early and would excuse himself after the election of officers.

Commissioner Maglalang reported that he had a discussion with a representative of the mosque.
- VI. CONFLICT OF INTEREST** **Interim City Attorney Baum** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

Commissioner Mohsin reported that she would recuse herself from Item IX-1.

VII. APPROVAL OF AGENDA

Chair Mandal asked if staff or Commissioners had changes to the agenda and there were none.

Motion to approve the July 8, 2015 agenda as submitted.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 6

NOES: 0

VIII. ELECTION OF OFFICERS

Election of Planning Commission Officers (Chair and Vice Chair):

Motion to nominate Sudhir Mandal as Chair for a one-year term

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 6

NOES: 0

Motion to nominate Larry Ciardella as Vice Chair for a one-year term

Motion/Second: Commissioner Mandal/Commissioner Mohsin

AYES: 2

NOES: 3 Sandhu, Madnawat, Maglalang

Motion to nominate Rajeev Madnawat as Vice Chair for a one-year term

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 3

NOES: 2 Mandal, Mohsin

Commissioner Ciardella left the meeting at 7:20 PM

IX. PUBLIC HEARING

IX-1 AL HILAAL MOSQUE AND COMMUNITY CENTER – 372-374 Turquoise Street – ZA15-0003, UP15-0008: The applicant is requesting a Zoning Text Amendment to conditionally permit assembly uses in Industrial Zones, and is concurrently requesting a use permit for a 13,125 sq. ft. assembly use at 372-374 Turquoise Street.

Senior Planner Adam Petersen provided a PowerPoint presentation describing the permit request. He said zone changes are needed in order to allow the proposed use and discussed the location and zoning.

Mr. Petersen said that heavy industrial zones comprise 20% of the land in Milpitas. The remaining 80% of land consists of commercial zones, mixed use zones, and residential zones, and it is important for the commission to consider that places of assembly are permitted in these zones, and the only area in the city where assembly uses are not allowed include the industrial zones.

During his presentation, Mr. Petersen said that places of assembly were prohibited at City

Council's direction from industrial zones in 2009 and this zone change would be inconsistent with the City's General Plan and conflicts with its guiding principles and policies. He said the zone change would be applicable to any assembly use in any industrial zone and has far reaching implications.

Commissioner Maglalang asked if the applicant is the owner of the building and Mr. Petersen said they are.

Vice Chair Madnawat asked if it is possible to amend just the M2 zone and not the M1 and MP zones. Mr. Ekern said he did not have the direct answer as to whether or not that recommendation could be made, and that the point staff is trying to make is that this is not consistent with the general plan's direction.

Mr. Baum said one would think it would be permissible to amend just one of those three zones however there has to be a rational basis before a decision can be made and it would be difficult to come up with a basis for why it would be rational to put this kind of assembly in an M2 zone, the heaviest industrial zone, and not in M1 or MP.

Vice Chair Madnawat asked what the rationale basis is for allowing assembly use in any other zone not M2 and Mr. Ekern said the rational basis is 1) it is the direction of the City Council to preserve job generating areas in industrial land sites, places where you can have heavy job and manufacturing type businesses, and is specifically not allowed under the general plan, and 2) assembly uses are allowed in virtually every other zoning district in the city.

Applicant Mark Tiernan, also a Milpitas resident, said the Al Hilaal mosque does have a current location at 90 Dempsey Road and has been there for over 20 years. The facility on Turquoise is approximately 32,000 sq ft and has four tenants in the building which will remain in the facility. As a result, the city will not lose employment, jobs or sales tax revenue based on this application and may generate more sales tax revenues through its bookstore and its online internet presence.

Mr. Tiernan said the Al Hilaal Mosque wants to remain in Milpitas and has searched for a new facility but it has been difficult to find.

In regards to shared parking, Mr. Tiernan said that staff originally told them they were over 80 spaces short but when they sat down together and did the calculations they found they were approximately 14 spaces short. He said the tenants in the building gladly offered to share their parking and the property owner across the street offered to share theirs as well.

Mr. Tiernan said that staff has used numbers that overinflate the use of the community center and mosque. He said main prayer services take place on Fridays between 12:00 - 2:00 PM which is the highest use of people there all week with about 70-80 people attending over two sessions, 95% of weddings will take place on the weekends, and he believes the impact to the neighborhood will be very slight.

Vice Chair Madnawat feels the maximum occupancy number of 358 is high. Mr. Ekern said the occupancy of a building is determined by Building and Fire codes and factors including anticipated use and building size.

Chair Mandal opened the public hearing and multiple people spoke in favor of the project.

Amin Adil Qazi, the architect for the project, said he disagrees with staff that the shared parking categorization is for mixed use developments, and he discussed zoning language

and made reference to Section 11 of the zoning code. He said they are proposing 13,000 square feet for the community center and mosque and that the remainder will remain office space.

The mosque's religious director, who is also a Milpitas resident, discussed programs and services provided by the mosque, including after school programs and youth and marriage counseling, and said their services are limited at the current location due to the lack of space.

A Milpitas resident from Angus Drive gave a summary of the mosque's history searching for a location for their facility. He said they have moved from different locations and have been on Dempsey Road for close to 20 years. In 2000 they acquired land on Montague Expressway where they hoped to build, and worked with city staff to get the necessary permits; however, they received negative feedback from neighbors and decided to sell the property in 2013 and move on. They have searched within the zoning that will allow them to relocate but buildings are small and will not fit their needs, and it has been very challenging to find a facility that is suitable for them. They felt their only option was to purchase the building on Turquoise Street.

An elementary school teacher and Milpitas resident from Burleigh Drive said the mosque's women's needs include a healthy social environment and support groups and adequate space is needed. Two main concerns for the women is safety and size of the space. The current space is small and shared with men and children, it does not provide the space needed for the women to feel comfortable, and they do not feel secure there due to other businesses located in the center. She said there have been break ins and vandals and feels the new location would be a good fit.

Several people spoke of the importance of the mosque to the youth of their community, and how they feel a bigger space is needed to conduct daily activities for children.

A speaker said the mosque is trying to find a peaceful compromise that all will benefit from. She discussed the lack of space for prayer and unsafe surroundings while having to pray outside on the sidewalk, across from a liquor store.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 4

NOES: 0

Vice Chair Madnawat had questions about M1, M2 and MP zoning districts and Mr. Petersen gave a description of each.

Chair Mandal asked what the city has seen in terms of growth and Mr. Ekern said the general trend with the economy over the last 20-30 years has seen the loss of heavy manufacturing jobs throughout the country. He said cities are reliant on a way to provide services that are connected to it and need the ability to have machine shops to build equipment and auto repair shops so that people can take care of their equipment etc., and there is a need for types of uses that are appropriate in these areas and the city needs to retain a buffer for these areas and preserve the opportunity for heavy industry because those jobs are still needed in the community.

Commissioner Maglalang asked if spot zoning is possible and Mr. Baum replied that it is

generally not permissible. He asked what the boundaries will be if rezoned and Mr. Ekern said the zoning change would affect all industrial areas in the city.

Vice Chair Madnawat feels this project provides great community benefits and proposes changing only the M2 zone to allow places of assembly, not M1 or MP. He said the city has not seen heavy industrial establishments coming to Milpitas and many of buildings remain empty, and the community center will attract more traffic and create more noise and the M2 zone is less prone to noise and traffic compared to M1 and MP.

Vice Chair Madnawat said that if a shared parking agreement is not amenable, he proposes that the capacity be reduced in order to reduce the parking requirement.

Motion to amend the zoning text to allow conditional use for places of assembly in the M2 heavy industrial zone and direction to staff to move forward with a CEQA study and return to the Planning Commission with a resolution that supports this request.

Motion/Second: Vice Chair Madnawat/Chair Mandal

AYES: 4

NOES: 0

Motion to approve Use Permit UP15-0008 for a mosque in the Heavy Industrial Zone (M2) at 372-374 Turquoise Street, with a condition that the applicant conduct a parking survey and work with staff on a parking solution. If the parking study shows that more spaces are required than a shared parking agreement provides, then the applicant should return to the commission. There was also a recommendation that the mosque promotes ride sharing.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 4

NOES: 0

IX-2 ULFERTS SIGN PROGRAM AMENDMENT - 768 Barber Lane - SA15-0002: A request for a Site Development Permit amendment to amend the existing sign program at the Ulferts Center.

Project Planner Cindy Hom provided a brief overview of the project.

Chair Mandal opened the public hearing and there were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 5

NOES: 0

Motion to Adopt Resolution No. 15-024 approving Site Development Permit Amendment No. SA15-0002 to allow for an amendment to the master sign program for multi-tenant shopping center at 648-794 Barber Lane subject to the conditions of approval.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 5

NOES: 0

- IX-3 PAN RESIDENCE – 1000 Country Club Drive – SA14-0002:** A request for a Site Development Permit Amendment for various site and building modifications to an existing hillside home currently under construction and reconfiguration of the open space. The project proposes a lot line adjustment to increase the size of the existing parcel and enlarge the existing landscaping easement.

Project Planner Cindy Hom provided an overview of the project and Peter Pfau, the project architect, reviewed the project plans.

Vice Chair Madnawat noted that there are two water tanks on the property and asked if there are plans to incorporate rain water harvesting and Mr. Pfau replied that they are looking into that possibility and trying to incorporate other sustainable systems.

Chair Mandal opened the public hearing and there were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 5

NOES: 0

Motion to Adopt Resolution No. 15-025 recommending the City Council approve Site Development Permit Amendment No. SA14-0002 for various site and building modifications to an existing hillside home and reconfiguration of the open space subject to the findings and conditions of approval.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 5

NOES: 0

X. NEW BUSINESS

NO ITEMS

- XI. ADJOURNMENT** The meeting was adjourned at 9:25 PM to the next meeting scheduled on Wednesday, August 12, 2015.

Motion to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 5

NOES: 0

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*